Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-6 and 8-19 have been rejected under 35 U.S.C. §103 as being unpatentable over Klosterman et al., USPN 6,469,753 in view of Connelly, USPN 6,144,376 and Mankovitz, USPN 5,559,550. Also, double patenting rejections have been levied, but since these are provisional, Applicant will hold in abeyance the filing of a Terminal Disclaimer (and the concomitant fees) until such time as a claim in this application is indicated as being allowable but for obviousness-type double patenting.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, all independent claims now require that unlike Mankovitz, wherein only TV channel information is presented in the relied-upon Figure 9, information on virtual channel content is also presented in the information panel when a user scrolls across the channel as disclosed on, e.g., page 13, lines 18-20. Accordingly, combining Mankovitz with the other references in accordance with their actual teachings would not arrive at the present claims.

Further, since Mankovitz does not envision virtual channels at all, and since no other reference has been relied on as a teaching of presenting channel information in a panel when a user scrolls across the channel in a guide, there is no prior art reason to modify the references in an unsuggested way to arrive at the present claims. Further still, owing to the above deficiencies in the applied references, there is no enablement in the references of how, precisely, one would provide information in the panel when a virtual channel is scrolled on to, in contrast to the present teachings on, e.g., page 14.

PAGE 7/8 * RCVD AT 11/27/2005 3:29:57 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:16193388078 * DURATION (mm-ss):01-52

"To render a later invention unpatentable for obviousness, the prior art must enable the later invention", with the CAFC noting that the question wasn't whether the prior art enabled itself but rather whether it enabled the invention being rejected, In re Kumar, precedential case no. 04-1074, relying on Beckman Instruments, Inc. v. LKB Produktor AB, 892 F.2d 1547 (Fed. Cir. 1989).

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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